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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 MANCHESTER PACIFIC GATEWAY
13 LLC, a Delaware limited liability
company,

14 Plaintiff,

15 vs.

16 CALIFORNIA COASTAL
17 COMMISSION, a California state agency,
et al.,

18 Defendants.

CASE NO. 07cv1099 WQH (RBB)

**ORDER DENYING MOTION
TO DISMISS AS MOOT**

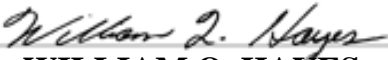
(Doc. # 6)

19 HAYES, Judge:

20 The matter before the Court is Defendant California Coastal Commission's Motion to
21 Dismiss (Doc. # 6), filed July 2, 2007. On July 17, 2007, Plaintiff filed a First Amended
22 Complaint for Declaratory Relief ("First Amended Complaint"), as was its right pursuant to
23 the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 15(a) ("A party may amend the
24 party's pleading once as a matter of course at any time before a responsive pleading is
25 served...."); *see also Crum v. Circus Circus Enters.*, 231 F.3d 1129, 1130 n.3 (9th Cir. 2000)
26 ("A motion to dismiss is not a 'responsive pleading' within the meaning of Rule 15."). Once
27 filed, an amended complaint supersedes the original complaint in its entirety. *See London v.*
28 *Coopers & Lybrand*, 644 F.2d 811, 814 (9th Cir. 1981). Defendant California Coastal

1 Commission's Motion to Dismiss, addressing the original Complaint, became moot once the
2 First Amended Complaint was filed. Therefore, Defendant California Coastal Commission's
3 Motion to Dismiss (Doc. # 6) is **DENIED AS MOOT**.

4 DATED: July 31, 2007

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6 **WILLIAM Q. HAYES**
7 United States District Judge
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